

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELVIRE LUCERO,

Plaintiff,

v.

CV 09-0394 MCA/GBW

DON APODACA, Dr., MOLLY
GOLLIPOP, Nurse, and WEXFORD
HEALTH SOURCES, INC.,

Defendants.

ORDER TO SHOW CAUSE

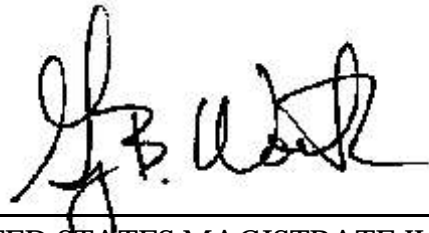
THIS MATTER is before the Court following Plaintiff's failure to respond to the Court regarding the addresses of Defendants Don Apodaca and Molly Gollipop. On November 25, 2009, I issued an Order instructing the Plaintiff to advise the Court of addresses for each Defendant named in his complaint no later than December 16, 2009. *Doc. 12.* Plaintiff has failed to do so.

As I stated in my previous Order (*Doc. 12*), since Plaintiff is proceeding *in forma pauperis*, it is the Court's responsibility to issue and serve all process. However, FED. R. CIV. P. 41(b) provides that "failure of the plaintiff to prosecute or to comply with these rules or any order of court" constitutes a basis for involuntary dismissal. Plaintiff has failed to comply with my Order requiring him to inform the Court of current addresses for

Defendants Apodaca and Gollipop. Accordingly, the Court directs Plaintiff to show cause in writing no later than February 3, 2009, why these Defendants should not be dismissed without prejudice for failure to prosecute the claim under FED. R. CIV. P. 41(b).

Wherefore,

IT IS ORDERED that Plaintiff show cause by filing a written response with the Clerk of the Court no later than February 3, 2009, stating why he believes this action should not be dismissed without prejudice for the reasons stated above.

A handwritten signature in black ink, appearing to read "J. B. Work", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE